

IN THE UNITED STATES PATENT OFFICE

**REVOCATION/APPOINTMENT OF  
POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT**  
(Application)

Address to:  
Assistant Commissioner of Patents  
Washington, D.C. 20231

SERIAL NUMBER: 09/725,730  
FILED: 11/29/2000  
FIRST INVENTOR: RONALD ARTHUR FRANK  
GROUP ART: 2663  
EXAMINER: MELVIN C. MARCELO  
ATTY. DOCKET: 10.0756

I hereby revoke all previous powers of attorney or authorization of agent in the above-identified application and appoint the following person(s) as my/our attorney(s) or agent(s) to prosecute said application, and to transact all business in the Patent and Trademark Office connected therewith:

☒ Practitioners at Customer Number: 21919  
OR

☐ Practitioner(s) named below: (give name and registration number)

Robert N. Blackmon, Reg. No. 39,494  
Merek, Blackmon & Voorhees, LLC  
673 S. Washington St.  
Alexandria, VA 22314

Please change the correspondence address and direct all future correspondence to:

☒ Practitioners at Customer Number: 21919  
OR

☐ Individual Address:

Telephone: 703-684-5633

Facsimile: 703-684-5637

I am the:

- ☐ Applicant  
☒ Assignee of Interest

SIGNATURE of Applicant or Assignee of Record

Typed or Printed Name: \_\_\_\_\_

Signature: Tyler Brown  
Tyler Brown, Ciena Corporation

Date 10/31/2005



PTO/SB/96 (29-04)  
Approved for use through 07/31/2008. OMB 0551-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Ciena Corporation

Application No./Patent No.: 09/725,730 Filed/Issue Date: November 29, 2000

Entitled: SYSTEM AND METHOD FOR IN-SERVICE RECONFIGURATION OF A SYNCHRONOUS COMMUNICATION NETWORK

Ciena Corporation, a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Ronald Arthur Frank To: Akara Corporation  
The document was recorded in the United States Patent and Trademark Office at  
Reel 011350, Frame 0210, or for which a copy thereof is attached.
2. From: Akara Corporation To: Ciena Holdings, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: Ciena Holdings, Inc. To: Ciena Corporation  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Tyler S. Brown  
Signature

11/1/05

Date

Tyler S. Brown

(410) 865-8078

Printed or Typed Name

Telephone Number

Chief IP Counsel, Ciena Corporation

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# Delaware

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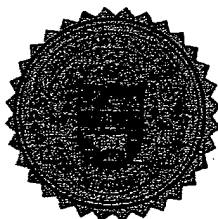
*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"CIENA HOLDINGS, INC.", A DELAWARE CORPORATION,  
WITH AND INTO "AKARA CORPORATION" UNDER THE NAME OF "CIENA HOLDINGS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-NINTH DAY OF AUGUST, A.D. 2003, AT 2:28 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE TWENTY-NINTH DAY OF AUGUST, A.D. 2003, AT 11:59 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3201061 8100M

030563101

AUTHENTICATION: 2608726

DATE: 08-29-03

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**CERTIFICATE OF MERGER**

**OF**

**CIENA HOLDINGS, INC.**  
**a Delaware Corporation**

**WITH AND INTO**

**AKARA CORPORATION**  
**a Delaware Corporation**

The undersigned corporation, organized and existing under and by virtue of the General Corporation Law of the State of Delaware, DOES HEREBY CERTIFY:

**FIRST:** That the name and state of incorporation of each of the constituent corporations of the merger is as follows:

**NAME**

**STATE OF INCORPORATION**

CIENA Holdings, Inc.

Delaware

AKARA Corporation

Delaware

**SECOND:** That an agreement and plan of merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of Section 251 of the General Corporation Law of the State of Delaware.

**THIRD:** That the name of the surviving corporation of the merger is AKARA Corporation, which shall hereinwith be changed to CIENA Holdings, Inc.

**FOURTH:** The certificate of incorporation of AKARA Corporation shall be amended to delete Articles 1 through 8 in their entirety and replaced with the

following, which shall be the certificate of incorporation of the surviving corporation:

**Article 1. NAME**

The name of this corporation is CIENA Holdings, Inc. (the "Corporation").

**Article 2. REGISTERED OFFICE AND AGENT**

The registered office of the Corporation shall be located at 1209 Orange Street, Wilmington, Delaware 19801 in the County of New Castle. The registered agent of the Corporation at such address shall be The Corporation Trust Company.

**Article 3. PURPOSE AND POWERS**

The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware (the "Delaware General Corporation Law"). The Corporation shall have all power necessary or convenient to the conduct, promotion or attainment of such acts and activities.

**Article 4. CAPITAL STOCK**

The total number of shares of all classes of stock that the Corporation shall have the authority to issue is 100 shares, all of which shall be Common Stock having a par value of \$.001 per share ("Common Stock").

**Article 5. BOARD OF DIRECTORS**

**5.1. Number; Election**

The number of directors of the Corporation shall be such number as from time to time shall be fixed by, or in the manner provided in, the bylaws of the Corporation. Unless and except to the extent that the bylaws of the Corporation shall otherwise require, the election of directors of the Corporation need not be by written ballot. Except as otherwise provided in this Certificate of Incorporation, each director of

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the Corporation shall be entitled to one vote per director on all matters voted or acted upon by the Board of Directors.

## 5.2. Management of Business and Affairs of the Corporation

The business and affairs of the Corporation shall be managed by or under the direction of the Board of Directors.

## 5.3. Limitation of Liability

No director of the Corporation shall be liable to the Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director, provided that this provision shall not eliminate or limit the liability of a director (a) for any breach of the director's duty of loyalty to the Corporation or its stockholders; (b) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law; (c) under Section 174 of the Delaware General Corporation Law; or (d) for any transaction from which the director derived an improper personal benefit. Any repeal or modification of this Article 5.3 shall be prospective only and shall not adversely affect any right or protection of, or any limitation of the liability of, a director of the Corporation existing at, or arising out of facts or incidents occurring prior to, the effective date of such repeal or modification.

## Article 6. AMENDMENT OF BYLAWS

In furtherance and not in limitation of the powers conferred by the Delaware General Corporation Law, the Board of Directors of the Corporation is expressly authorized and empowered to adopt, amend and repeal the bylaws of the Corporation.

## Article 7. RESERVATION OF RIGHT TO AMEND CERTIFICATE OF INCORPORATION

The Corporation reserves the right at any time, and from time to time, to amend, alter, change, or repeal any provision contained in this Certificate of Incorporation, and other provisions authorized by the laws of the State of Delaware at the time in force may be added or inserted, in the manner now or hereafter prescribed by law; and all rights, preferences, and privileges of any nature conferred upon stockholders, directors, or any other persons by and pursuant to this Certificate of Incorporation in its present form or as hereafter amended are granted subject to the rights reserved in this Article 7.

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FIFTH: That the executed agreement and plan of merger is on file at the principal place of business of the surviving corporation. The address of the principal place of business of the surviving corporation is 1201 Winterson Road, Linthicum, Maryland 21090.

SIXTH: That a copy of the agreement and plan of merger will be furnished by the surviving corporation, on request and without cost to any stockholder of each of the constituent corporations.

SEVENTH: That this Certificate of Merger shall be effective at 11:59 p.m. on August 29, 2003.

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Aug-29-03 01:47pm From:HOGAN & HARTSON

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IN WITNESS WHEREOF, AKARA Corporation, a Delaware corporation,  
has caused the Certificate to be signed by David Croucher, its Secretary, an  
authorized officer of the corporation, this 29<sup>th</sup> day of August, 2003.

AKARA Corporation,  
a Delaware corporation

By: 

David Croucher





10.0756

### ASSIGNMENT

WHEREAS, Ciena Holdings, Inc., a Delaware Corporation having a business address at 1201 Winterson Road, Linthicum, Maryland 21090 is the owner of the inventions listed on the attached Schedule A (hereinafter "said inventions"); and

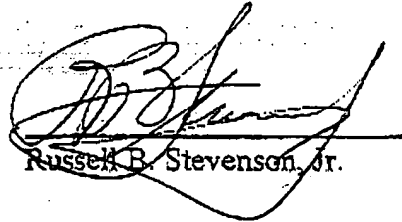
WHEREAS, Ciena Corporation, a Delaware Corporation having a business address at 1201 Winterson Road, Linthicum, Maryland 21090 is desirous of acquiring the entire right, title and interest in and to said inventions and in and to any Letters Patent that may be granted therefor in the United States and in any and all foreign countries;

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00), and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Ciena Holding, Inc. hereby assigns, sells and transfers unto said Ciena Corporation, the full and exclusive right to said inventions in the United States and its territorial possessions and in all foreign countries, and any and all inventions disclosed therein and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, reexaminations, continuations, continuations-in-part and extensions thereof.

Ciena Holdings, Inc. does hereby authorize and request the Patent Office officials in the United States and in any and all foreign countries to issue any and all of said Letters Patent, when

granted, to said Ciena Corporation as the assignee of the entire right, title and interest in and to the same, for the sole use and behoof of said Ciena Corporation, its successors and assigns.

Dated: \_\_\_\_\_



Russell B. Stevenson, Jr.

Vice President and General Counsel  
Ciena Holdings, Inc.

**BEST AVAILABLE COPY****SCHEDULE A**

1. U.S. Patent Application Serial No. 09/725,730 filed on November 29, 2000 and entitled "A System and Method for In-Service Reconfiguration of a Synchronous Optical Communications Network."
2. U.S. Patent No. 6,765,871 issued on July 20, 2004 and entitled "Fiber Channel Flow Control Method and Apparatus for Interface to Metro Area Transport Link."
3. U.S. Patent Application Serial No. 09/728,988 filed on December 4, 2000 and entitled "Method and Apparatus for Providing OC-n Virtual Bridge Ports."
4. JPO Patent Application Serial No. 2001-369972 entitled "Method and Apparatus for Providing OC-n Virtual Bridge Ports."
5. U.S. Patent Application Serial No. 09/728,970 filed on December 4, 2000 and entitled "Flexible Multiplexer/Demultiplexer and Method for Transport of Optical Line Data to a Wide/Metro Area Link."
6. JPO Patent No. 3,522,252 Issued February 20, 2004 and entitled "Flexible Multiplexer/Demultiplexer and Method for Transport of Optical Line Data to a Wide/Metro Area Link."
7. U.S. Patent Application Serial No. 10/047,474 filed on October 23, 2001 and entitled "Apparatus and Method for Efficient Detection and Suppression of Corrupted Fibre Channel Frames in a Protected Transmission Medium."
8. U.S. Patent No. 6,816,509 issued on November 9, 2004 and entitled "Data Mapper and Method for Flexible Mapping of Control and Data Information Within a Sonet Payload."
9. Ciena Reference No. 10-761-DIV entitled "Data Mapper and Method for Flexible Mapping of Control and Data Information Within a Sonet Payload."
10. U.S. Patent Application Serial No. 10/034,235 filed on December 28, 2001 and entitled "Method and Apparatus for In-Service Dynamic Allocation of

Bandwidth in a TDM Network."

11. U.S. Patent Application Serial No. 10/034,443 filed on December 26, 2001 and entitled "Service Protection Method and Apparatus for TDM or WDM Communications Network."
12. U.S. Patent Application Serial No. 10/382,041 filed on March 5, 2003 and entitled "Method and Device for Preserving Pacing Information Across A Transport Medium."
13. EPO Application No. 04251303.6 and entitled "Method and Device for Preserving Pacing Information Across A Transport Medium."